

I. CALL TO ORDER – PLEDGE TO THE FLAG

The General Business Meeting of the Board of Supervisors of Upper Macungie Township was called to order on September 1, 2022 at 7:00 p.m. in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Present were James M. Brunell, Chairman; Sunny Ghai, Vice-Chairman; Kathy A. Rader, Supervisor; Robert R. Ibach, Jr., Township Manager; Kalman A. Sostarecz, Jr., Township Secretary; Andrew V. Schantz, Esq., Solicitor; Michael Sitoski, Chief of Police, UMTPD; Peter Christ, Director, Bureau of Fire; Daren Martocci, Director, Community Development; Dave Alban, Township Engineer; Scott Faust, Public Works Director; and Bruce Koller, Finance Director

Chairman Brunell opened the meeting and asked all present to join him in reciting the Pledge of Allegiance to the Flag of the United States of America.

II. ADDITIONS/DELETIONS TO THE AGENDA**III. MINUTES****A. *August 4, 2022***

Chairman Brunell stated that he would dispense with the reading of the minutes of the previous meetings unless there was an objection.

Motion by Chairman Brunell to waive the reading of the minutes of the August 4, 2022 meeting and approve them as presented. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

IV. PRESENTATIONS**A. *Proclamation Recognizing the Volunteer Fire Departments of Upper Macungie Township***

Supervisor Rader read into the record a proclamation honoring the volunteer fire departments of Upper Macungie Township.

V. DISCUSSIONS & UPDATES**A. *Nursery Street Roadway Improvement Survey Results***

Manager Ibach stated that the results of the Nursery Street Roadway Improvement survey have been collected. A survey was sent out to the approximately 210 properties in the Fogelsville area and 81 responded; 46 votes were to "do nothing" and 35 chose some type of "one-way" option. It's possible that since the Glenlivet Extension has opened it may have released some of the pressure from Nursery Street. Mr. Martocci stated that as the build out of Lehigh Hills is completed as well as the associated roadway improvements, that would be the best time to revisit any potential upgrades to Nursery, after the full impact is known.

VI. ORDINANCES**A. *Ordinance #2022-12 – Stop Signs at Multiple Intersections***

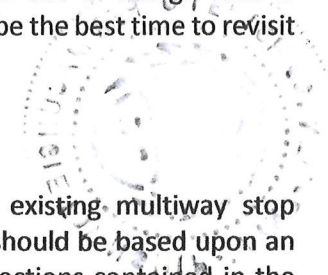
Mr. Alban stated that the Township has several intersections with existing multiway stop intersection controls that are not currently ordained. A multiway stop should be based upon an engineering study, and one was performed for each of the stop intersections contained in the proposed ordinance.

Motion by Chairman Brunell to adopt Ordinance #2022-12, establishing four-way stop intersections at multiple locations throughout Upper Macungie Township. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

B. *Ordinance #2022-13 – Zoning Updates*

Mr. Martocci stated that this ordinance was prepared to update the Township's Zoning Ordinance, specifically Purposes and Objectives, Special Exception Use Process, Terms Defined,

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and Additional Requirements for Specific Principal Uses. The draft was reviewed by the Lehigh Valley Planning Commission and the Upper Macungie Township Planning Commission, which made a recommendation to the Board for approval. A Public Hearing was held on September 1, 2022 at 6:30 p.m. at which the proposed ordinance was discussed – no comments were received nor were any objectors were present at the hearing.

Motion by Vice-Chairman Ghai to adopt Ordinance #2022-13, updating Chapter 27 – Zoning, of the Township of Upper Macungie Code of Ordinances. Seconded by Chairman Brunell. The motion passed unanimously.

C. Ordinance #2022-14 – Conveyance of Former Applewood Pump Station Lands

Solicitor Schantz stated that as part of the litigation involving the Lehigh Hills subdivision. As part of the settlement, Jaindl Land Company and KRE were to construct a new pump station, and the existing pump station would be decommissioned and removed from the existing lot. That existing lot, which is approximately 4,700 square feet, would be conveyed back to the original land owner or their successor, which is Jaindl Land Company. The court approved the settlement which per the Second Class Township Code is an acceptable means of transferring lands. The proposed ordinance formalizes the transfer of the lands.

Motion by Chairman Brunell to adopt Ordinance #2022-14, conveying the former Applewood Pump Station lands to Jaindl Land Company. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

VII. RESOLUTIONS

A. Resolution #2022-28 – Docket #2327 – Inter-Municipal Liquor License Transfer Request for Cracker Barrel Old Country Store, Inc. – 7720 Main Street, Fogelsville

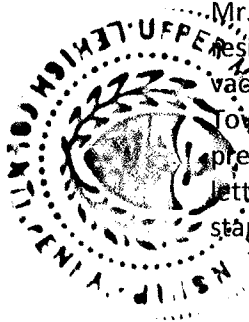
Solicitor Schantz stated that Cracker Barrel in Fogelsville has requested to transfer a Restaurant Liquor License from South Whitehall Township and a hearing was held on September 1, 2022 at 6:15 p.m. to consider the transfer. No objectors were heard at the hearing.

Motion by Supervisor Rader to adopt Resolution #2022-28, authorizing the inter-municipal transfer of Liquor License #R-16231 from South Whitehall Township to Upper Macungie Township for Cracker Barrel Old Country Store, Inc. Seconded by Chairman Brunell. The motion passed unanimously.

B. Resolution #2022-29 – Docket #2324 – Glenlivet Drive West Extension & Residential Subdivision, Main Street & Church Street, Fogelsville

Mr. Martocci stated that the applicant is proposing to construct a development of 52 single family residential dwellings northwest of Fogelsville as well as the extension of Glenlivet Drive through vacant land to connect to Main Street. At their meeting of July 20, 2022, the Upper Macungie Township Planning Commission reviewed and made recommendations on waivers, deferrals, and preliminary approval of the plan. The plan is a preliminary plan and the applicant has comment letters to address when they move on to their final plan. John McRoberts of the Pidcock Company stated that they will address the comments when formulating their final plan.

Motion by Vice-Chairman Ghai to adopt Resolution #2022-29, granting preliminary subdivision approval to Docket #2324, Glenlivet Drive West Extension & Residential Subdivision, as well as the associated waivers and deferrals listed in and all conditioned upon the Township Engineer's review letter dated July 18, 2022. Seconded by Chairman Brunell. The motion passed unanimously.



C. Resolution #2022-30 – Docket #2328 – Millipore Sigma Distribution Center, 7034 Ambassador Drive – Waiver & Deferral Requests

Mr. Martocci stated that Millipore Sigma is proposing to construct a distribution facility adjacent to their existing facility on Ambassador Drive. The project requires a Special Exception which the applicant has received; however, that approval requires the applicant to comply with all local laws and regulations, and therefore has requested several waivers and deferrals which staff is in support of, as is the UMT Planning Commission which reviewed at the August 17, 2022 meeting. Vice-Chairman Ghai stated that he recalls it being mentioned at a previous meeting the applicant would be willing to install some type of noise abatement devices; Attorney Erich Schoch stated that it has not been decided what will be installed but believes something is still possible.

Motion by Chairman Brunell to adopt Resolution #2022-30, granting four waivers and one deferral for Docket #2328, Millipore Sigma Distribution Center, as listed in and conditioned upon the Township Engineer's review letter dated August 15, 2022. Seconded by Supervisor Rader. The motion passed unanimously.

D. Resolution #2022-31 – Sewage Planning Module – Millipore Sigma Distribution Center

Mr. Alban stated that a Sewage Planning Module has been prepared for the Millipore Sigma Distribution Center which is ready for submission to the PA DEP. The project proposes 2,130 gallons per day.

Motion by Supervisor Rader to adopt Resolution #2022-31, approving the submission of a Sewage Planning Module for the Millipore Sigma Distribution Center to the PA DEP. Seconded by Chairman Brunell. The motion passed unanimously.

E. Resolution #2022-32 – Sewage Planning Module – 1001 Glenlivet Drive Warehouse

Mr. Alban stated that a Sewage Planning Module has been prepared for the 1001 Glenlivet Drive Warehouse which is ready for submission to the PA DEP. The project proposes 1,050 gallons per day.

Motion by Supervisor Rader to adopt Resolution #2022-32, approving the submission of a Sewage Planning Module for the 1001 Glenlivet Drive Warehouse to the PA DEP. Seconded by Chairman Brunell. The motion passed unanimously.

VIII. MOTIONS

A. Appointing Kalman A. Sostarecz, Jr. as Assistant Township Manager & Director of Community Development

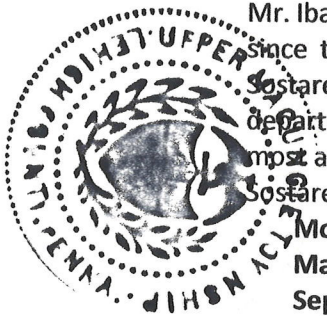
Mr. Ibach stated that the Assistant Director of Community Development position has been vacant since the resignation of Dan DeMeno earlier in the year and his thought is to promote Mr. Sostarecz to oversee the department as its Director. Mr. Sostarecz will continue to work with all departments of the Township and therefore a title that includes Assistant Township Manager is most appropriate. Chairman Brunell stated that the Board is elated with the performance of Mr. Sostarecz during his time at Upper Macungie and looks forward to the future.

Motion by Supervisor Rader to appoint Kalman A. Sostarecz, Jr. as Assistant Township Manager and Director of Community Development at an annual salary of \$90,000 effective September 5, 2022. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

B. Authorizing Advertisement for Township Secretary and Executive Assistant to the Manager

Mr. Ibach stated that with the promotion of Mr. Sostarecz, although he will be continuing some of the responsibilities that he's taken on in the past four years, the duties of Township Secretary and Executive Assistant will be vacant. He requests permission to advertise for the position which begins with an internal search.

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Motion by Vice-Chairman Ghai to authorize the advertisement for the position of Township Secretary and Executive Assistant to the Manager. Seconded by Supervisor Rader. The motion passed unanimously.

C. *Authorizing the Appointment of David Gilber as Police Patrolman*

Chief Sitoski stated that he would like authorizing to make a final offer of employment to David Gilber who would fill a position that was budgeted for this year. They began the process in June and several steps have been completed. A tentative start date would be October 1, 2022.

Motion by Vice-Chairman Ghai to authorize a final offer of employment to David Gilber as Police Patrolman pending successful completion of all background checks and clearances with an anticipated start date of October 1, 2022. Seconded by Supervisor Rader. The motion passed unanimously.

D. *Authorizing the Filling of a Vacant Police Patrolman Position*

Chief Sitoski stated that there was a recent resignation within the department which has created a vacancy and he would like permission to begin the process to fill that vacancy.

Motion by Chairman Brunell to authorize the filling of a vacant Police Patrolman position. Seconded by Supervisor Rader. The motion passed unanimously.

E. *Authorizing the Creation of a Recreation Manager Position and Advertisement to Fill*

Mr. Ibach stated that staff is recommending the creation of a Recreation Manager position to move the recreation program along further to provide better service to the residents.

Motion by Supervisor Rader to authorize the creation of a Recreation Manager position, adding it to the Township's budget with a salary range of \$75,000 to \$85,000, and to advertise to fill the position. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

F. *Authorizing Township Solicitor to Attend Zoning Hearing Board Meeting*

Solicitor Schantz stated that there are some items on the upcoming Zoning Hearing Board agenda that Township Staff and Consultants feel the township should have representation present for as an interested party. Mr. Martocci stated that some of the items include a Special Exception request for a warehouse and a Zoning Variance for Sam Adams.

Motion by Chairman Brunell to authorize the Township Solicitor to attend the Zoning Hearing Board meeting on September 14, 2022. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

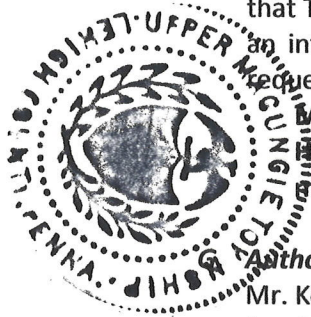
G. *Authorizing Minimum Municipal Obligation for Pension Plans*

Mr. Koller stated that the calculation for the Minimum Municipal Obligation has been completed for the Township's two Non-Uniform Pension Plans and Police Pension Plan for 2023. The total cost of all plans will be offset by approximately half through State Aid.

Motion by Chairman Brunell to approve the 2023 Minimum Municipal Obligation for the Non-Uniform Defined Benefit Plan in the amount of \$530,592.00, for the Non-Uniform Defined Contribution Plan in the amount of \$14,778.00, and for the Uniform Pension Plan in the amount of \$414,982.00. Seconded by Supervisor Rader. The motion passed unanimously.

H. *Authorizing Sale of Vehicles and Equipment*

Mr. Faust stated that numerous pieces of used equipment were advertised and placed on Muncibid to receive bids for a period of fourteen days. All items received bids and he recommends the board approve the sales.



Motion by Chairman Brunell to authorize the sale of the following used vehicles and equipment:

- 2013 Ford Taurus Interceptor #1 to Abdul Ghaniwala for the amount of \$5,100
- 2013 Ford Taurus Interceptor #2 to Abdul Ghaniwala for the amount of \$5,100
- 2013 Ford Taurus Interceptor #3 to Jeff Cadoff for the amount of \$6,900
- 2001 Ford F-450 XLT Bucket Truck to Andrew Hayman for the amount of \$26,734
- 2018 EX Mark 72" Zero Turn Mower to Luke Lichtenwalner for the amount of \$5,656

Seconded by Supervisor Rader. The motion passed unanimously.

I. Awarding of Bid for the 2022 Mill Road Intersection Paving Project

Mr. Alban stated that this project was part of the Mill Road and Tilghman Street Intersection improvements to widen Mill Road. The traffic work was previously put out to bid and has been completed – the final item is the build up and overlay of Mill Road. One bid was received from T. Schiefer Contractors in the amount of \$71,209.00. The Engineer's Estimate was \$65 - \$70,000, and last year when the work was bid, they came back at more than \$100,000, so the current pricing is good. The contractors references were checked and they heard positive comments.

Motion by Chairman Brunell to award the 2022 Mill Road Intersection Paving Project to T. Schiefer Contractors in the amount of \$71,209.00. Seconded by Supervisor Rader. The motion passed unanimously.

J. Authorizing Execution of Agreement with Vehicle Towing Companies

Chief Sitoski stated that the Township has been in an agreement with Getz Service Station and Yocum's Towing and Recovery for the past three years. Those agreements have ended, and new agreements are needed. Mr. Ghai asked if the prices have increased and Chief Sitoski stated that some fees did go up a small amount since they were last negotiated in 2019. These fees are not paid by the Township, but by the vehicle owners.

Motion by Supervisor Rader to authorize the execution of an agreement with Getz Service Station and Yocum's Towing and Recovery for preferred towing and recovery services in Upper Macungie Township. Seconded by Chairman Brunell. The motion passed unanimously.

K. Authorizing Purchase of Information Technology Equipment for Fogelsville Fire Department

Mr. Christ stated Fogelsville Fire Company is in need of upgrades to their IT equipment and a quote was received by one of the Township's vendors, Eastern Telephone & Telecommunications. The purchase would be completed under a state contract.

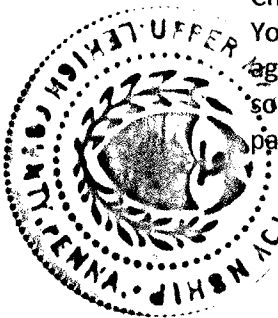
Motion by Chairman Brunell to authorize the purchase of Information Technology Equipment from ET&T for the Fogelsville Fire Department at a cost of \$17,485.06, with funds utilized from the American Rescue Plan Act. Seconded by Supervisor Rader. The motion passed unanimously.

L. Authorizing Purchase of Epoxy Flooring for Truck Bays at Fogelsville Fire Department

Mr. Christ stated Fogelsville Fire Company needs to replace the epoxy floor covering in their truck bays and the project is scheduled in the next two weeks. They have requested reimbursement from the American Rescue Plan Act funds. Vice-Chairman Ghai asked if there were multiple bids. Mr. Charles Deprill stated that there was another bid that was more than \$36,000.

Motion by Supervisor Rader to authorize the reimbursement of \$29,801.83 to Fogelsville Fire Company for the installation of epoxy flooring for truck bays, with funds utilized from the American Rescue Plan Act. Seconded by Vice-Chairman Ghai. The motion passed unanimously.

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M. Authorizing Requests for Special Fire Police Assistance

Mr. Christ stated that two requests for Special Fire Police assistance were received.

Motion by Supervisor Rader to authorize Special Fire Police assistance for Corey & Kimberly's Ride Continues Motorcycle Ride on October 1, 2022 at approximately 11:30 a.m., and for the Emmaus Halloween Parade on October 15, 2022 at approximately 7:30 p.m., with a rain date of October 16th. Seconded by Chairman Brunell. The motion passed unanimously.

IX. BOARD AND STAFF REPORTS

Treasurer

The total bills from all funds for August 2022 was \$1,641,258.34. Further details appear in the August Treasurer's Report.

Motion by Chairman Brunell to pay the bills for August 2022 in the amount of \$1,641,258.34. Seconded by Supervisor Rader. The motion passed unanimously.

Township Secretary

Mr. Sostarecz stated that an Executive Session was held on August 31, 2022 at 4:30 p.m. and the topic was personnel, as well as on September 1, 2022 at 6:00 p.m. and the topic was legal matters. Additionally, he reminded everyone that Budget Meetings are coming up in October on the 11th, 18th, and 25th which will be held in the meeting room.

Township Manager

Mr. Ibach stated that ArtsQuest's SangriaFest at Grange Road Park is scheduled for the coming weekend – tickets can be purchased on ArtsQuest's website.

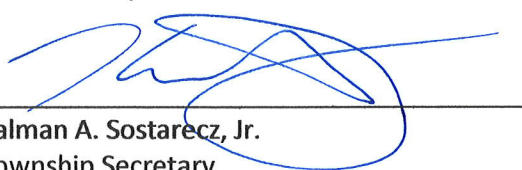
X. PUBLIC COMMENT/COURTESY OF THE FLOOR

A resident asked when the roundabout project will be complete – Mr. Alban stated he received an email that a major traffic switch will happen on September 12th when traffic begins utilizing the new road that has been built.

XI. ADJOURNMENT

There being no other business, **Chairman Brunell made a motion to adjourn the meeting at 7:51 p.m. Seconded by Supervisor Rader. The motion passed unanimously.**

Submitted by:



Kalman A. Sostarecz, Jr.
Township Secretary

